



STATE OF CONNECTICUT

LIEUTENANT GOVERNOR NANCY WYMAN

Testimony of Lieutenant Governor Nancy Wyman

House Bill No. 6848: An Act Protecting Victims of Domestic Violence
Wednesday, March 11, 2015

Good morning Senator Coleman, Representative Tong, Senator Kissel, Representative Rebimbas, and distinguished members of the Judiciary Committee. I am Lieutenant Governor Nancy Wyman, and with me I have Karen Buffkin, who is General Counsel to Governor Malloy.

Thank you for the opportunity to testify before you today regarding **House Bill No. 6848 An Act Protecting Victims of Domestic Violence**.

The goal of this bill is simple: to protect victims of family violence by prohibiting the possession of firearms by anyone who becomes subject to a temporary restraining order upon notice being served.

The days following a victim's application for a temporary restraining order are the most dangerous—as we were tragically reminded last May when a family violence incident took one of our own, a state employee at the Department of Energy and Environmental Protection who was murdered by her estranged husband, against whom she had a temporary restraining order.

Lori Jackson was murdered just one day before a hearing on a full restraining order was scheduled. She was shot and killed and her mother was shot and injured—all while her two young children were in the home.

It is important to note that a woman in an abusive relationship is five times more likely to be killed if her abuser has access to a firearm. Firearms are the most commonly used weapon in Connecticut to commit intimate partner homicides – they were used in 39 percent of the 188 intimate partner homicides that occurred between 2000 and 2012.

States with laws prohibiting firearm possession by persons subject to restraining orders saw a 12-13 percent reduction in intimate partner homicide of women. Changing our laws to prohibit firearms possession after a temporary restraining order is issued will make a difference.

There is currently no prohibition on the possession of firearms for individuals subject to a temporary restraining order. Under current law, up to 14 days after issuance of a temporary restraining order, a hearing is held to determine whether a full civil restraining order will be granted for a one-year period. If a full civil restraining order is issued, then the defendant has two business days to transfer their firearms and ammunition to either a federally licensed firearms dealer or the Department of Emergency Services and Public Protection. Since the current statute uses the term "business days," instead of "calendar days," the period during which a defendant must transfer a firearm can be significantly extended due to holidays and weekends.

House Bill 6848 does two things to remedy these issues:

1. It extends the prohibition on possession of firearms and ammunition to individuals subject to temporary restraining orders, in addition to those subject to full restraining orders, and
2. It reduces the length of time that a person subject to a restraining order has to surrender firearms and ammunition from two business days to immediately, but in no event more than twenty-four hours, after notice has been provided that the person is subject to such an order.

This bill contains the due process protections required by the Constitution, because in order for a temporary restraining order to be issued, the bill requires that (1) an affidavit be provided by the applicant, that is (2) sworn to under oath, and (3) signed by a judge. These are the same due process requirements that are used when a judge orders a search warrant or an arrest warrant, and the same due process requirements that are used in conjunction with temporary restraining orders under current law.

It is also worth noting that judges are very thoughtful in the granting of restraining orders, and only about half of the applications filed requesting temporary restraining orders are granted. For example, in 2014, only 51 percent of the ex parte restraining order applications were granted by a judge. If a judge believes that a victim faces an immediate and present physical danger, that judge should have the tools necessary to protect that victim. Passage of this bill will give them such a tool.

In conclusion, based on all of the statistics we have about domestic violence, one thing is very clear: there is a high risk that a lethal action will occur when an individual has access to firearms at the same time they have a pending judicial action against them, such as the imposition of restraining order.

We need to do everything in our power to protect domestic violence victims by prohibiting possession of firearms by anyone who becomes subject to a temporary restraining order *upon notice being served* — and *before* it is too late.

Thank you for your time today, and I urge your **support** of House Bill No. 6848.

We would be happy to answer any questions you may have.